

Personnel, 6
25 March 1957

OGC Has Reviewed

MEMORANDUM FOR: Mr. Houston

SUBJECT : Creditable Military Service for
Civil Service Retirement

25X1A
1. I refer to [] inquiry concerning paragraph II 2 of the Certificate of Membership in the U.S. Civil Service Retirement System (Attachment 1). I am advised that the Personnel Office has received numerous requests for clarification of this provision, which concerns the crediting of military service in the computation of annuity under the Civil Service Retirement System.

2. The doubts and misunderstandings about this--what periods of military service are or are not creditable--stem from the fact that the Certificate of Membership is designed to provide basic guidance to employees, and is necessarily restricted by considerations of space and a need to use the language of the layman.

3. The basic statutory authority on the question of creditable military service is P.L. 854 of the 84th Congress, Title IV, Sec. 3(b) (Attachment 2).

4. Under P.L. 854 persons receiving ordinary military retired pay do not receive credit for the same service for Civil Service retirement purposes nor do persons whose military service has been credited for Social Security benefits. (Service after 31 December 1956 is creditable for Social Security benefits under P.L. 881 of the 84th Congress, the pertinent provision of which is appended as Attachment 3).

5. The following classes of persons receiving military retirement pay do receive credit for military service when their government service is computed for Civil Service retirement purposes: Those whose retired pay is awarded:

(1) Under the provisions of Title III of P.L. 810 of the 80th Congress (pertaining to retirement from reserve components of the Armed Forces).

(2) Because of a service-connected disability incurred in combat with an enemy.

(3) Because of a service-connected disability caused by an instrumentality of war and incurred in line of duty.



25X1A

Office of General Counsel

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Distribution:

- Orig. & 1 - Addressee w/attachments
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CERTIFICATE OF MEMBERSHIP IN THE UNITED STATES
CIVIL SERVICE RETIREMENT SYSTEM

II. Credit for Service

2. Military Service. Periods of active and honorable service with the United States Armed Forces are creditable toward retirement if completed before final termination of your employment as a member of the Retirement System. (Military service may not be creditable if you draw military retired pay, or if it was performed after December 1956 and social security benefits are payable.

Attachment 1

FEDERAL EXECUTIVE PAY ACT OF 1956

Public Law 854, 84th Congress

TITLE IV - Civil Service Retirement

Section 3(b). An employee or Member shall be allowed credit for periods of military service prior to the date of the separation upon which title to annuity is based; however, if an employee or Member is awarded retired pay on account of military service, his military service shall not be included, unless such retired pay is awarded on account of a service-connected disability (1) incurred in combat with an enemy of the United States or (2) caused by an instrumentality of war and incurred in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1(a), part I, paragraph I, or is awarded under title III of Public Law 810, Eightieth Congress, except that for purposes of section 9(c) (1),* a Member (A) shall be allowed credit only for periods of military service not exceeding five years, plus any military service performed by the Member upon leaving his office, for the purpose of performing such service, during any war or national emergency proclaimed by the President or declared by the Congress and prior to his final separation from service as Member and (B) may not receive credit for military service for which credit is allowed for the purposes of retired pay under any other provision of law. Nothing in this Act shall affect the right of an employee or a Member to retired pay, pension, or compensation in addition to the annuity herein provided.

*Annuity computation

Attachment 2

SERVICEMEN'S AND VETERANS' SURVIVOR

BENEFITS ACT

Public Law 881, 84th Congress

TITLE IV - Old-Age and Survivors Insurance

PART A - Provisions Relating to Title II of
the Social Security Act

Sec. 402. (a) Section 210 of the Social Security Act
is amended by adding at the end thereof the following
new subsections:

"Service in the Uniformed Services

"(m) (1) Except as provided in paragraph (4), the
term 'employment' shall, notwithstanding the provisions
of subsection (a) of this section, include service per-
formed after December 1956 by an individual as a member
of a uniformed service on active duty; but such term
shall not include any such service which is performed
while on leave without pay.

Attachment 3

25 March 1957

MEMORANDUM FOR: Mr. Houston

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Civil Service Retirement

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2. The doubts and misunderstandings about this--what periods of military service are or are not creditable--stem from the fact that the Certificate of Membership is designed to provide basic guidance to employees, and is necessarily restricted by considerations of space and a need to use the language of the layman.

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4. Under P.L. 854 persons receiving ordinary military retired pay do not receive credit for the same service for Civil Service retirement purposes nor do persons whose military service has been credited for Social Security benefits. (Service after 31 December 1956 is creditable for Social Security benefits under P.L. 881 of the 84th Congress, the pertinent provision of which is appended as Attachment 3).

5. The following classes of persons receiving military retirement pay do receive credit for military service when their government service is computed for Civil Service retirement purposes: Those whose retired pay is awarded:

(1) Under the provisions of Title III of P.L. 810 of the 80th Congress (pertaining to retirement from reserve components of the Armed Forces).

(2) Because of a service-connected disability incurred in combat with an enemy.

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*Annuity computation

Attachment 2

SERVICESMEN'S AND VETERANS' SURVIVOR

BENEFITS ACT

Public Law 861, 84th Congress

TITLE IV - Old-Age and Survivors Insurance

**PART A - Provisions Relating to Title II of
the Social Security Act**

Sec. 402. (a) Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"Service in the Uniformed Services

"(a) (1) Except as provided in paragraph (4), the term 'employment' shall, notwithstanding the provisions of subsection (a) of this section, include service performed after December 1956 by an individual as a member of a uniformed service on active duty; but such term shall not include any such service which is performed while on leave without pay.

Attachment 3

Obligations, Benefits, and Privileges of Membership in the United States Civil Service Retirement System

While you are employed and are a member of this system, you, and the Government as your employer, each contribute to the Retirement Fund at the rate of $6\frac{1}{2}\%$ of your basic salary to provide valuable retirement and survivor benefits for yourself and your family. You are guaranteed a return from the Retirement Fund of an amount which is at least equal to your contributions. This return may be in the form of annuity payments or as a lump-sum refund to you or your survivors.

It is important that you, as a member of this system, acquaint yourself with the facts in this certificate. Then place the certificate with your other important personal papers for safekeeping. Review it from time to time so that you will be thoroughly familiar with your retirement rights and with the protection your family will have in the event of your death. This certificate will be helpful in planning intelligently for your future and that of your family.

I. Eligibility for Retirement

1. *General Requirements.*—There are two general requirements which retiring employees must meet. They are:

- (a) You must have at least 5 years of civilian service.
- (b) Unless you retire on account of total disability, you must have had at least 1 year of civilian service under the Retirement System within the 2-year period preceding the separation on which your retirement is based.

2. *Immediate Retirement.*—If you meet the general requirements and any combination of minimum age and service, as well as the special requirements (if any) shown in the following table, you may retire and be paid an immediate annuity.

Minimum Age	Minimum Service (Years)	Special Requirements
62	5	None
60	30	None
55 *	30	None
any * age	25	Your separation must be involuntary without cause.
50 *	20	Your separation must be involuntary without cause.
any age	5	You must be totally disabled for service in the position you occupy.
70	15	Separation is compulsory.

* Annuity is reduced if under age 60 (see item III.4, Reduction for Retirement Before Age 60).

3. *Deferred Retirement.*—If you meet the general requirements and are separated from the Federal service for any reason before you are eligible for immediate retirement, you may be paid an annuity when you reach age 62, unless you give up your right to this annuity by applying for and being paid a refund of your retirement deductions. (See IX. Refund of Contributions.)

II. Credit for Service

1. *Civilian Service.*—All periods of service as an employee of the Federal Government or the District of Columbia Government are creditable toward retirement.

2. *Military Service.*—Periods of active and honorable service with the United States Armed Forces are creditable toward retirement if completed before final termination of your employment as a member of the Retirement System. (Military service may not be creditable if you draw military retired pay, or if it was performed after December 1956 and social security benefits are payable.)

3. *Non-Deduction Service.*—Retirement deductions are never made for military service. If you have military service you will be given free credit for it.

Retirement deductions for civilian service began August 1, 1920. If you have service before that date, you will be given free credit for it.

If you have civilian service since August 1, 1920, during which no retirement deductions were made, you will be given credit for it. However, unless you deposit in the Retirement Fund an amount to cover this service, your annuity will be reduced by 10% of the sum due as deposit.

The amount due as deposit is the sum of the 10% of your basic salary you received during the period of non-deduction service,

plus interest. Percentage rates for deductions have been: $2\frac{1}{2}\%$ from August 1920 to June 1926; $3\frac{1}{2}\%$ from July 1926 to June 1942; 5% from July 1942 to June 1948; 6% from July 1948 to October 1956; and $6\frac{1}{2}\%$ thereafter. Interest is at 4% to December 31, 1947, and 3% thereafter, compounded annually.

4. *Service for Which Deductions Were Refunded.*—In computing the annuity payable to you or your survivor, no credit will be allowed for any service for which retirement deductions have been refunded to you unless you redeposit the amount of the refund, plus interest at 4% to December 31, 1947, and 3% thereafter, compounded annually. However, service covered by a refund which has not been redeposited is creditable in establishing eligibility for retirement benefits.

5. *How To Make Deposit or Redeposit.*—Application (on Standard Form 2803) to make a deposit or redeposit, or both, must be made to the Civil Service Commission through your employing agency. After your application has been approved, payments may be made in installments of not less than \$10. Your survivor may not make a deposit or redeposit or complete installment payments for you.

III. Amount of Retirement Annuity

1. *What Your Annuity Depends On.*—The amount of your basic annuity will depend primarily upon your length of service and your "high-5" average salary. This is the highest salary obtainable by averaging your rates of basic salary in effect during any 5 consecutive years of service, with each rate weighted by the time it was in effect.

Your basic annuity is limited to 80% of your "high-5" average salary. Your basic annuity must be reduced if you (a) retire before age 60, except for total disability, (b) have not made a deposit for non-deduction service, or (c) elect a survivor type annuity.

2. Basic Annuity Formula:

- (a) Take: $1\frac{1}{2}\%$ of the "high-5" average salary and multiply the result by 5 years of service;
- (b) Add: $1\frac{3}{4}\%$ of the "high-5" average salary multiplied by years of service between 5 and 10;
- (c) Add: 2% of the "high-5" average salary multiplied by all service over 10 years.

Instead of using the $1\frac{1}{2}\%$, $1\frac{3}{4}\%$, and 2% , substitute 1% of the "high-5" average salary, plus \$25, for any or all of these percentages if such a substitution will produce a higher annuity.

(You can estimate your basic annuity from the Annuity Chart on the last page of this certificate.)

3. *Minimum Disability Annuity.*—If you retire for total disability you are guaranteed a minimum basic annuity which amounts to the lesser of:

- (a) 40% of your "high-5" average salary; or
- (b) the sum obtained by using the Basic Annuity Formula after increasing your length of service by the time between the date of your separation for retirement and the date you reach age 60.

This guaranteed minimum does not apply if you are already age 60 when you retire or if it is less than the basic annuity obtained by applying the Basic Annuity Formula.

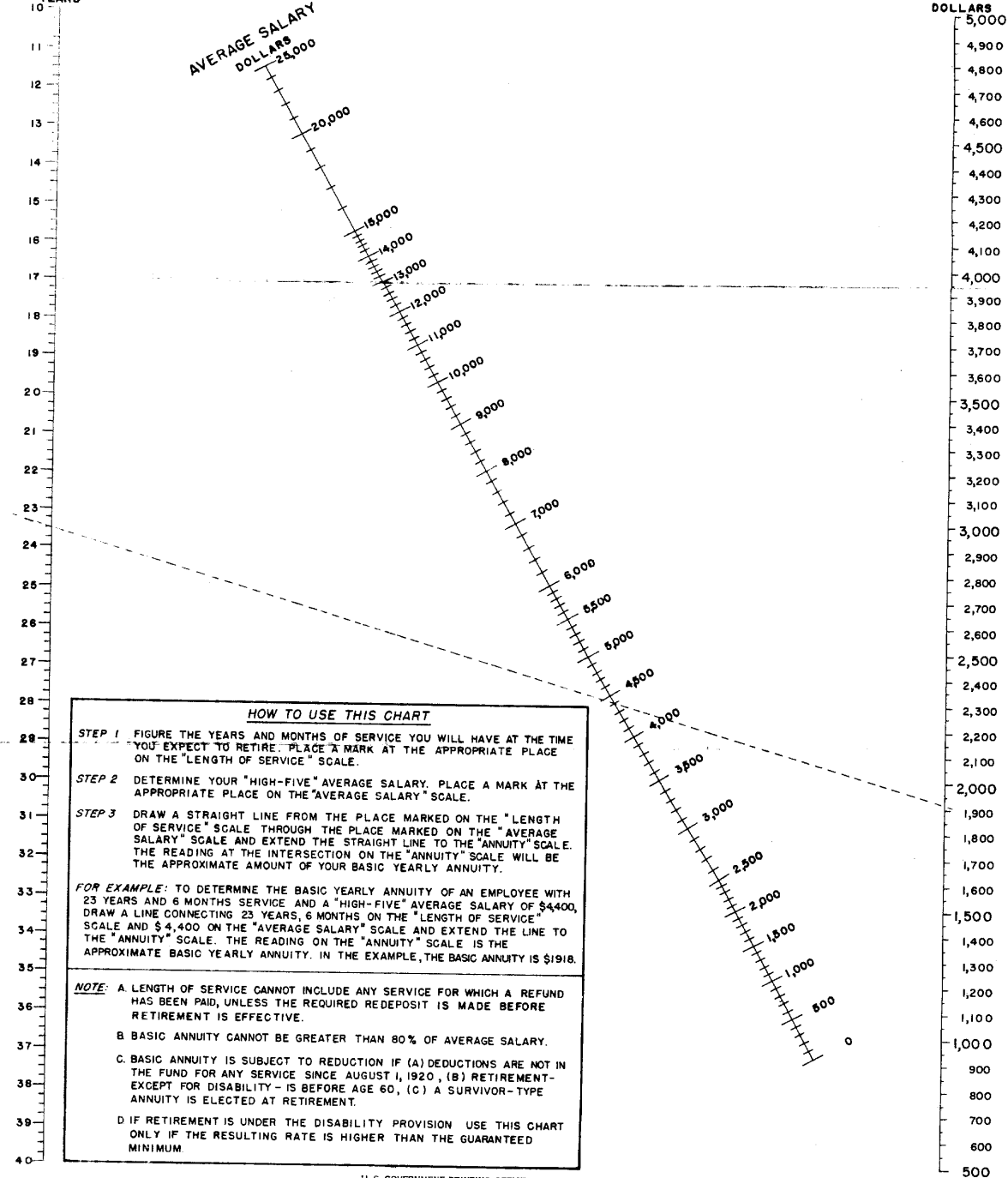
4. *Reduction for Retirement Before Age 60.*—If you retire before age 60, except for total disability, your annuity is reduced by:

- (a) $\frac{1}{12}$ of 1% for each full month (1% a year) you are under age 60 (but not under age 55): PLUS—
- (b) $\frac{1}{12}$ of 1% for each full month (1% a year), if any, you are under age 55.

APPLICABLE TO EMPLOYEES SEPARATED AFTER SEPTEMBER 30, 1956

LENGTH OF SERVICE

YEARS



U. S. GOVERNMENT PRINTING OFFICE: 1957-O-412091



The obligations, benefits, and privileges described in this certificate are provided by the Civil Service Retirement Act as amended to July 31, 1956. They are subject to change by legislation.

IN THE UNITED STATES CIVIL SERVICE

Membership
of
Certificate

United States Civil Service Commission
Washington 25, D. C.

A designation of beneficiary must be in writing (Standard Form 2808 is provided for this purpose) and must be received in the Civil Service Commission before your death. If you designate a beneficiary, remember to keep your designation current. Changes in your family status without a corresponding change in your designation may result in a settlement other than you intended.

XI. Voluntary Contributions

In addition to your regular contributions you may make voluntary contributions to the Retirement Fund where they will earn interest at 3%, compounded annually. When you retire they will be used to increase your annuity.

Voluntary contributions may not exceed 10% of your total basic salary since August 1, 1920. Each payment must be \$25 or a multiple thereof (i. e., \$50, \$75, etc.) but payments need not be made at specified intervals. No voluntary contributions may be made unless contributions are in the Retirement Fund for all your civilian service since August 1, 1920. Application to make voluntary contributions (on Standard Form 2804) must be filed with the Civil Service Commission and each payment must be made directly to the Commission.

If you make voluntary contributions, you will be paid, in addition to your regular annuity, \$7, plus 20¢ for each full year you are over age 55 at retirement, for each \$100 of contributions and interest to your credit.

With respect to this additional annuity you may, when you retire, elect a survivor annuity. If you elect the survivor annuity, your own additional annuity will be reduced by the proper percentage shown in the table in item IV.3. Reduced Annuity With Benefit to Person Having an Insurable Interest. At your death after retirement, your survivor will be paid an annuity equal to 50% of your reduced additional annuity. If the total additional annuity paid to you (and your survivor) is less than your voluntary contributions, with interest, the difference will be payable as a lump-sum death benefit.

Voluntary contributions will be refunded to you under the same conditions as your regular contributions (see item IX.1. Eligibility Requirements). Interest will be computed to the date your employment as a member of the Retirement System terminated. If your death occurs before your retirement, voluntary contributions, with interest, will be paid as a lump-sum death benefit; they may not be used to provide additional annuity for your survivors.

XII. Law-Enforcement Personnel

If you are an employee whose duties are primarily the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States, you may voluntarily retire if you are age 50 or over, have completed at least 20 years of such law-enforcement service, and meet certain other requirements. Your Personnel Office can give you additional information about your retirement privileges and benefits.

- ### XIII. How To Apply for Benefits

Standard Form 2800 is the Application for Death Benefits;
Standard Form 2801 is the Application for Retirement;
Standard Form 2802 is the Application for Refund.

These and the other Standard Forms mentioned in this Certificate may be obtained from your Personnel Office, the Washington, D. C., office of the Civil Service Commission or any of its regional offices. These offices will also give assistance in completing an application. It is unnecessary to employ any person or firm to help you in obtaining retirement benefits.

Standard Form 2801 is the Application for Retirement:

These and the other Standard Forms mentioned in this Certificate may be obtained from your Personnel Office, the Washington, D. C., office of the Civil Service Commission or any of its regional offices. These offices will also give assistance in completing an application. It is unnecessary to employ any person or firm to help you in obtaining retirement benefits.

Approved For Release 2002/06/25 : CIA-RDP62-00631R000300110027-9

5. *Reduction for Non-Deduction Service.*—If you have civilian service since August 1, 1920, during which no retirement deductions were made from your salary and for which you have not made a deposit, your annuity is reduced by 10% of the amount due as deposit. (See Item II.3. Non-Deduction Service.)

IV. Types of Retirement Annuity

1. *Life Annuity.*—This type is available to all retiring employees. It provides annuity payments to you only. If when you retire you elect the Life Annuity, no survivor benefits may be paid to your widow (or widower).

2. *Reduced Annuity With Benefit to Widow or Widower.*—If you are married, you may when you retire elect a Reduced Annuity With Benefit to Widow or Widower. You may use all your annuity or any portion of it as a base for the widow's (or widower's) survivor annuity. Upon your death after retirement she (or he) will receive an annuity of 50% of all or whatever portion of your annuity you specified as the base for the survivor annuity. This benefit to your widow (or widower) will continue until she (or he) dies or remarries.

If you elect the Reduced Annuity With Benefit to Widow or Widower, your annuity will be reduced by:

- (a) $2\frac{1}{2}\%$ of the first \$2,400 used as a base for survivor annuity; PLUS
- (b) 10% of any amount over \$2,400 used as a base for the survivor annuity.

NOTE.—If you retire for total disability you cannot use as a base any of the annuity which may be payable to make up your guaranteed minimum benefit. You may, however, specify all or any portion of your earned annuity as a base for the survivor's benefit.

3. *Reduced Annuity With Benefit to Person Having an Insurable Interest.*—If when you retire you are unmarried and in good health you may elect a Reduced Annuity With Benefit to Person Having an Insurable Interest. Upon your death after retirement, and for the rest of his (or her) life, the person named as having an insurable interest will receive an annuity equal to 50% of your annuity rate.

If you elect a Reduced Annuity With Benefit to Person Having an Insurable Interest, your annuity will be reduced by a percentage amount which depends on the difference between your age and the age of the person you name, as shown in the following table:

Age of Person Named in Relation to That of Retiring Employee	Reduction in Annuity of Retiring Employee
Older, same age, or less than 5 years younger.....	10%
5 but less than 10 years younger.....	15%
10 but less than 15 years younger.....	20%
15 but less than 20 years younger.....	25%
20 but less than 25 years younger.....	30%
25 but less than 30 years younger.....	35%
30 or more years younger.....	40%

V. Annuities to Employee's Survivors

1. *General Eligibility Requirements.*—Your widow (or widower) and children may qualify for a survivor annuity if your death occurs:

- (a) while you are employed and are a member of the Retirement System; AND
- (b) after you have completed at least 5 years of civilian service.

2. *Survivor Annuity to Widow.*—If you are a male employee, your widow, to qualify for a survivor annuity, must:

- (a) have been married to you for at least 2 years immediately preceding your death; OR
- (b) be the mother of a child born of your marriage to her.

If your widow qualifies, she will be paid a survivor-annuity benefit equal to 50% of your earned annuity, computed on your "high-5" average salary and length of service at time of death. (This earned annuity must be reduced if you owe for non-deduction service but there is no reduction on account of your being under age 60.) The survivor-annuity to your widow begins on the first day of the month after the one in which your death occurs and ends on the last day of the month before the one in which she dies or remarries.

3. *Survivor Annuity to Widower.*—If you are a female employee, your widower, to qualify for a survivor annuity, must:

- (a) have been married to you for at least 2 years immediately preceding your death; OR
- (b) be the father of a child born of your marriage to him; AND
- (c) at the time of your death be incapable of self-support because of a disability; AND
- (d) have received more than one-half his support from you.

If your widower qualifies, he will be paid a survivor-annuity benefit equal to 50% of your earned annuity, computed on your "high-5" average salary and length of service at time of death. (This earned annuity must be reduced if you owe for non-deduction service but there is no reduction on account of your being under age 60.)

survivor annuity to your widower begins on the first day of the month after the one in which your death occurs and ends on the last day of the month before the one in which he becomes capable of self-support, dies, or remarries.

4. *Survivor Annuity to Children.*—Your child to qualify for a survivor annuity, must:

- (a) be under age 18; AND
- (b) be unmarried; AND,
- (c) if you are survived by a wife (or husband), have received more than one-half his support from you.

A step-child or an illegitimate child may qualify for a survivor annuity if he meets all the requirements in a, b, and c above and, in addition, had lived with you in a regular parent-child relationship. A child over age 18 may qualify for a survivor annuity if he is incapable of self-support because of a disability which began before he reached age 18.

If you are survived by a wife (or husband), each qualified child will be paid a survivor annuity equal to whichever of the following amounts is the least:

- (a) 40% of your "high-5" average salary divided by the number of qualified children;
- (b) \$1,800 divided by the number of qualified children;
- (c) \$600.

If you are not survived by a wife (or husband), each qualified child will be paid the least of:

- (a) 50% of your "high-5" average salary divided by the number of qualified children;
- (b) \$2,160 divided by the number of qualified children;
- (c) \$720.

This survivor annuity to each qualified child begins on the first day of the month after the one in which your death occurs and ends on the last day of the month before the one in which the child dies, marries, reaches age 18 or (if over 18) becomes capable of self-support.

A child's annuity will be paid to his guardian if one has been appointed by a court. If no guardian is appointed, payment will be made, at the discretion of the Civil Service Commission, to the person who has the care and custody of the child.

VI. Annuities to Survivors of Retired Employee

1. *Survivor Annuity to Widow or Widower.*—Unless you elect a Reduced Annuity With Benefit to Widow or Widower when you retire, no survivor annuity will be payable to your wife (or husband) if your death occurs after retirement. If you elect this type of annuity, your widow (or widower) named when you retired will, upon your death after retirement, be paid a survivor annuity as explained in item IV.2. Reduced Annuity With Benefit to Widow or Widower.

2. *Survivor Annuity to Person With An Insurable Interest.*—If when you retire you elect a Reduced Annuity With Benefit to Person Having an Insurable Interest, a survivor annuity will, upon your death after retirement, be paid to the person named when you retired, as explained in item IV.3. Reduced Annuity With Benefit to Person Having an Insurable Interest.

3. *Survivor Annuity to Children.*—If upon your death after retirement you are survived by children, they could, regardless of the type of annuity you had elected, qualify for a survivor annuity under the same conditions and in the same amounts as explained in item V.4. Survivor Annuity to Children.

VII. Adjustment and Accrual of Annuities

All annuities are payable in monthly installments on the first business day of the month following the one for which the annuity has accrued. All monthly payments are adjusted to the nearest dollar.

VIII. Bar Against Annuity Payments

Public Law 769, 83d Congress (68 Stat. 1142) prohibits payment of annuities to persons (or their survivors) who have committed certain specified offenses or acts, mainly in connection with their Federal employment. If you are barred by this law, you (and your survivors) may not be paid an annuity, but your contributions will be refunded.

IX. Refund of Contributions

1. *Eligibility Requirements.*—You may be paid a refund of all your contributions to the Retirement Fund (but not your agency's contributions) if at least 31 days before the commencing date of any annuity for which you may be eligible:

- (a) the employment during which you are a member of the Retirement System is terminated for any reason; AND
- (b) you are not receiving an annuity from the Civil Service Commission.

TITLE III, P.L. 810, 80th Congress
(Military Reserve Retirement)

SEC. 305. . . . No period of service otherwise creditable in determining the eligibility of any person to receive, or the amount of, any annuity, pension, or old-age benefit payable under any provision of law on account of civilian employment, in the Federal Government or otherwise, shall be excluded in such determination because such period of service may be included, in whole or in part, in determining the eligibility of such person to receive, or the amount of, any retired pay payable under this title.

*Lost of a Corollary
to the last sentence
of PL 84-454,
12 3(b).*